

WILLMAR CITY COUNCIL PROCEEDINGS
BOARD ROOM
HEALTH AND HUMAN SERVICES BUILDING
WILLMAR, MINNESOTA

January 22, 2019
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Shawn Mueske, Kathy Schwantes, Vicki Davis, Fernando Alvarado, Julie Asmus, Andrew Plowman, and Audrey Nelsen. Present 9, Absent 0.

Also present were City Administrator Ike Holland, Police Chief Jim Felt, Finance Director Steve Okins, Planning and Development Services Director Bruce Peterson, Fire Chief Frank Hanson, Human Resource Director Samantha Beckman, City Clerk Judy Thompson and City Attorney Robert Scott.

Proposed additions to the agenda included: Mayor Calvin moved Agenda Item No. 8 – Recognition of Retirement of Bruce Peterson, Director of Planning and Development Services up as the next item on the agenda; and added Continuation of Committee Structure Discussion and City Hall Task Force Members; Designation of Individuals to the Invest in Willmar Board and Project Areas; and Tiny House Donation. The last three items were brought forward from the work session held earlier this evening.

Council Member Fagerlie moved to approve the agenda, as amended. Council Member Nelsen seconded the motion which carried.

City Administrator Ike Holland recognized the retirement of Planning and Development Services Director Bruce Peterson for over 33 years of service to the City of Willmar. Mr. Peterson spoke about the great staff the City has and thanked the Mayor and Council for the opportunity to work for the city and for recognizing him with a gift of appreciation. Mayor Calvin and Council thanked Mr. Peterson for his many years of service, the many accomplishments he has made, and wished him well in his retirement.

City Administrator Ike Holland presented a recommendation to approve the committee structure as follows: 1) Labor Committee – Council Members Mueske, Alvarado, Schwantes, Davis, and Human Resource Director Samantha Beckman; 2) Finance Committee – Council Members Asmus, Plowman, Fagerlie, Nelsen, and Finance Director Steve Okins; 3) Community Development Committee – Council Members Schwantes, Davis, Fagerlie, Mueske, and Planning and Development Director; 4) Public Works/Public Safety Committee – Council Members Plowman, Asmus, Alvarado, Nelsen, Fire Chief, Police Chief, City Engineer, and Recreation Director Rob Baumgarn. Also recommended was establishing a City Hall Task Force Committee – Mayor Calvin, City Administrator Holland, Council Members Asmus, Alvarado, Mueske and Schwantes, and City Planner Sarah Swedberg. It was noted this item was brought forward from the Work Session held earlier this evening. Council Member Fagerlie offered a motion to approve the committee structure as recommended. Council Member Nelsen seconded the motion which carried.

City Administrator Ike Holland presented a recommendation to have the fifth (5th) Mondays of the months that have a fifth Monday set as mini retreats that will be held at the Health and Human Services Building, Board Room at 5:15 p.m. It was noted this item was brought forward from the Work Session held earlier this evening. Council Member Fagerlie offered a motion to approve staff's recommendation. Council Member Schwantes seconded the motion which carried.

Mayor Calvin presented a recommendation that the Labor Committee and Community Development Committee would meet during the second and fourth weeks of each month, and the Finance Committee and Labor Committee would meet and set the desired day for their meetings and respond back to the City Administrator so these can be placed on the schedule. It was noted this item was brought forward from the

Work Session held earlier this evening. Council Member Nelsen offered a motion to approve the recommendation as presented. Council Member Plowman seconded the motion which carried.

City Administrator Ike Holland stated at the Council Retreat held January 11 and 12, 2019, the Council recommended appointing two individuals from the public to serve on the Invest in Willmar Steering Board. One as a business representative and the other as a citizen representative, and presented a request to designate Bob Poe Jr. as the business representative and Denis Anderson as the citizen representative to serve on the designated board. It was noted this item was brought forward from the Work Session held earlier this evening. Council Member Fagerlie offered a motion to approve staff's recommendation. Council Member Nelsen seconded the motion which carried.

Mayor Calvin stated in 2017, the City acquired a tiny house that was to be used within our community and the need did not come to fruition. He stated he has received a request from a St. Cloud organization named "Neighbors to Friends", which is interested in acquiring this tiny house.

City Attorney Robert Scott stated, if the Council decides to approve, a resolution would need to be passed to enter into an agreement with "Neighbors to Friends" to transfer the title and authorize the Mayor and City Administrator to execute all documentation necessary to execute the transaction, subject to staff and City Attorney approval.

Council Member Plowman offered a motion to approve the transfer and introduced **Resolution No. 19-017 Resolution Declaring Surplus Equipment and Authorizing the Donation Thereof to a Nonprofit Corporation**. Council Member Fagerlie seconded the motion. Council Member Nelsen offered an amended motion to request reimbursement to the City for the expenses incurred by the City since it received the tiny house. Council Member Plowman seconded the motion. Following further discussion, Council Member Nelsen withdrew her amended motion. Council Member Plowman withdrew his second. The original motion and Resolution then carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Meeting Minutes of January 7, 2019
- ~~B. Willmar Municipal Utilities Board Minutes of January 14, 2019~~
- C. Application for Exempt Permit – Prairie Lakes Chapter of the Rocky Mountain Elk Foundation
- D. **Resolution No. 19-018 Approving Application and Acceptance of Willmar Area Community Foundation Grant if Awarded for the Willmar Bike Share Program**
- E. **Resolution No. 19-019 Acknowledgement of Donations Received 10/1/18 – 12/31/18**
- F. **Resolution No. 19-020 Amending Professional Services Agreement with Bolton and Menk**
- G. Approval of the City Planner Job Description Updates
- ~~H. Approve Certification of Tax-Forfeited Properties~~
- ~~I. Approve Purchase of Backup Generator for Fire Station~~
- J. Application for Appointment as a Member to the Airport Commission – Cody Miller
- K. Human Rights Commission Minutes of November 20, 2018
- L. Willmar Lakes Area CVB Board Minutes of December 18, 2018
- ~~M. Police Department Statistics for the Month of December, 2018~~
- N. Fire Department Statistics for the Month of December, 2018
- O. Accounts Payable Report for January 1 – 16, 2019

Council Member Fagerlie offered a motion to approve the Consent Agenda. Council Member Schwantes asked the Item I. be removed for discussion. Council Member Nelsen asked that Item H. be removed for discussion. Council Member Asmus asked that Items B. and M. be removed for discussion. Council Member Mueske seconded the motion to approve the consent agenda, with the removal of Items B., H., I., and M., which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Asmus commented about the wind turbine reports that were included in the Municipal Utilities Commission minutes. She brought to everyone's attention they were operating at 99.8 percent on number 3, and 97.2 percent on number 4 during the month of November. She also noted in September they were 97.2 percent and 97.8 percent. She stated everyone comments when they are not moving and wanted to inform the public that they are running and there are no major repairs anticipated in the near future.

Council Member Nelsen asked for clarification of the process involved in certification of tax forfeited properties. City Clerk Judy Thompson stated when properties don't pay their taxes, these properties are forfeited to the State of Minnesota, per statute. The county then handles the sale of these properties so they can be placed back on the tax roll. The document presented this evening is a formality in which the Council approves the County's valuations and authorizes the County to proceed with the sale of said properties at a public auction.

Council Member Schwantes asked for clarification on the source of funds for the backup generator at the Fire Station. Fire Chief Frank Hanson stated his recommendation is to take the money from the 2019 capital improvement funds auto extrication equipment funds and spending \$23,950.00 for the generator and using the additional funds for equipment.

Council Member Asmus stated in reviewing the Police Department statistics, she noted that burglaries were up considerably from 2017 to 2018 and asked if Police Chief Jim Felt had any comments that the public should be aware of. Chief Felt stated most of the burglaries in 2018 appeared to be at vacant residences, and asked the public to keep an eye on these properties if they are aware of their vacancy, and report any suspicious activity to the Police Department.

Following clarification, Council Member Nelsen offered a motion to approve Items B., H., I., and M. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Bob Enos, Willmar, addressed the Mayor and Council during the Open Forum. Mr. Enos spoke in regard to the Open Meeting Law, and inquired about the minutes from the Council Retreat not being on the Consent Agenda for tonight's meeting.

At this time, Mayor Calvin presented to the Council, staff, and public the Mayor's 2019 State of the City Address (a copy of which is contained in the Council proceedings file).

At 7:47 p.m. Mayor Calvin opened the 2nd Avenue Southeast Street Vacation public hearing. Planning and Development Services Director Bruce Peterson stated Marcus Real Estate and Investments LLC and BPO Elks Lodge #952 have petitioned for vacation of a portion of 2nd Avenue Southeast, as they own the properties surrounding this portion of 2nd Avenue Southeast. There is intention to plat the area for future development. Mr. Peterson stated the Planning Commission reviewed and approved the request on January 2, 2019.

There being no one to speak for or against the proposed street vacation, Mayor Calvin closed the hearing at 7:48 p.m. and opened it up for discussion by the Council. Following discussion, **Resolution No. 19-021 Vacating a Portion of Public Street ROW** was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Finance Director Steve Okins presented a request to approve Change Order No. 2 in the amount of \$21,191.00 for the Civic Centre Ice System Replacement Project. Mr. Okins stated this is for relocating a door, modifications to the plumbing, replacing the existing RO water piping; added reinforcing due to existing building footing size, additional R-22 refrigerant needed for condenser relocation, and additional space heating required due to schedule delays for gas relocation and plumbing plan review. Mr. Okins noted there are dollars available in the contingency fund for this project so no budget amendment is needed at this time. Staff's recommendation is to approve the change order as presented.

Resolution No. 19-022 Accepting Change Order No. 2 for the Civic Center Ice System Replacement Project was introduced by Council Member Mueske. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Planning and Development Services Director Bruce Peterson presented a request to approve the Unique Opportunities Final Plat. This plat is for the Herzog property on County Road 5 where a multi-family residential planned unit development is being proposed. It was noted the Planning Commission approved a conditional use permit and the preliminary plat on January 2nd, and the final plat was approved on January 16th with three conditions. Staff's recommendation is to approve the final plat with the three conditions as stated in the Council Agenda Report.

Council Member Fagerlie offered a motion to approve staff's recommendation. Council Member Mueske seconded the motion which carried.

Council Member Fagerlie offered the following comments: Baseball and Fast-pitch Boosters Club is hosting a Belgian Waffle Feed on Saturday, January 26th, from 8:30 a.m. to 11:30 a.m. at the Lakeland Elementary School, and urged everyone to attend.

Council Member Mueske offered the following comments: there is a governmental alliance for racial diversity in rural communities beginning February 7th. They are looking for community partners to send a team of up to six members for a cost of \$1,000. The process will last for six months. More information will be presented at a future date.

Council Member Schwantes offered the following comments: 1) in the consent agenda the Council approved the changes to the City Planner job description adding the Main Street Program responsibilities and wanted to compliment City Planner Sarah Swedburg on the job she is doing with this program. At the January 14th Work Session, Council Member Schwantes shared a new program being proposed for local retailers and Ms. Swedburg notified them they received a \$6,000 grant from Main Street to put towards this program. She feels the City has made a great investment with Main Street and hopes the City continues to support the program. 2) tonight the Council also approved the grant application for the Willmar Bike Share Program and inquired about the Bethesda Bike Program presented to Council several months ago and asked that an update be provided on this project. City Administrator Ike Holland replied that Bethesda will be re-applying for the grant and will be meeting within the next few weeks.

Council Member Alvarado offered the following comments: encouraged all watching to get involved in Willmar's future and to take leadership in the community.

Council Member Plowman offered the following comments: this is an exciting time for him as this is when all the planning and work begins for the proposed 2019 projects.

Council Member Nelsen offered the following comments: Coalition of Greater Minnesota Cities workshop will be held next week of which she will be attending along with Finance Director Steve Okins; she and Council Member Davis listened to a League of Minnesota Cities webinar on the legislative priorities for 2019, and felt it was very informative.

Council Member Fagerlie offered a motion to adjourn the meeting with Council Member Mueske seconding the motion which carried. The meeting adjourned at 8:02 p.m.

MAYOR

Attest:

SECRETARY TO THE COUNCIL

**CITY OF WILLMAR
RESOLUTION NO. 19-017**

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA
DECLARING SURPLUS EQUIPMENT AND AUTHORIZING THE DONATION THEREOF TO A NONPROFIT
CORPORATION**

Motion By: Plowman

Second By: Fagerlie

WHEREAS, the City of Willmar ("City") is permitted to sell City-owned surplus supplies, materials, and equipment pursuant to Minnesota Statutes Section 471.345, subdivision 17, and is authorized to donate surplus equipment to one or more nonprofit organizations pursuant to Minn. Stat. § 471.3459; and

WHEREAS, the City has enacted an ordinance codified as Section 2-200 of the City Code, which ordinance established procedures for declaring supplies, materials and equipment owned by the City to be surplus to the City's requirements and for disposing of such surplus supplies, materials and equipment pursuant to law; and

WHEREAS, the City has determined that it owns a motor vehicle commonly referred to as the City's "tiny house" as identified more specifically on Exhibit A, which is attached and incorporated herein (the "Motor Vehicle"), and that such Motor Vehicle is surplus to the City's requirements; and

WHEREAS, the City wishes to donate the Motor Vehicle to Neighbors to Friends, an organization dedicated to providing housing opportunities to individuals in need in Central Minnesota which is seeking to become registered as a Minnesota nonprofit corporation, pursuant to the terms and conditions set forth in the City's template surplus equipment sale agreement approved by the City Council in Resolution No. 18-37.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. The City Council finds and declares that the Motor Vehicle identified on Exhibit A is City-owned surplus equipment.
2. The City Council approves the donation of the Motor Vehicle to Neighbors to Friends pursuant to the terms and conditions set forth in the City's template surplus equipment sale agreement approved by the City Council in Resolution No. 18-37, subject only to the condition that Neighbors to Friends successfully completes its registration as a nonprofit corporation with the Office of the Minnesota Secretary of State.
3. Upon documentation of Neighbors to Friends' registration as a nonprofit corporation being submitted to the City Clerk, the Mayor and City Administrator shall be authorized to execute a donation agreement consistent with the City's template surplus equipment sale agreement approved by the City Council in Resolution No. 18-37 and all other documentation necessary to transfer title of the Motor Vehicle to Neighbors to Friends.

Adopted by the City Council of the City of Willmar on January 22, 2019.

Approved:

s/s Marv Calvin

Mayor

Attested:

s/s Judy Thompson

City Clerk

EXHIBIT A
Identification of Motor Vehicle

Vehicle Identification Number: 5EJHF202441000411
Year: 2004
Make: BRAN
Model/Body: CT TRL

RESOLUTION NO. 19-018

**RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FROM WILLMAR AREA COMMUNITY
FOUNDATION FOR MARKETING AND PROMOTION FOR THE WILLMAR BIKE SHARE PROGRAM**

Motion By: Fagerlie Second By: Mueske

BE IT RESOLVED by the City Council of the City of Willmar to approve an application, and the acceptance of if awarded, by the Parks and Recreation Department for a grant from the Willmar Area Community Foundation in the amount of \$18,900 for marketing and promotion of the bike share program.

Dated this 22nd day of January, 2019

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-019

ACKNOWLEDGEMENT OF DONATIONS

Motion By: Fagerlie Second By: Mueske

WHEREAS, the City of Willmar has received donations which have been acknowledged by the City Administrator expressing the community's appreciation for the time period of October 1, 2018 -December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota that the City formally accept the donations as listed below:

\$1,000.00 – Kwik Trip to the Fire Department for gas detection monitor and gloves
\$1,000.00 – Kwik Trip to the Police Department for programs for safety and education
\$1,000.00 – Mills Automotive Group to the Fire Department for gas detection monitor and gloves
\$2,000.00 – Walmart Supercenter to the Police Department for the Shop-with-a Cop Program
\$8,598.70 – Willmar Firefighters Assoc. to the Fire Department for fire equipment and batteries
\$ 500.00 – Beverly Falk to the Fire Department to purchase general equipment

Dated this 22nd day of January, 2019

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-020

**A RESOLUTION AUTHORIZING AMENDMENT NO. 4 WITH THE PROFESSIONAL SERVICES AGREEMENT
WITH BOLTON & MENK, INC. FOR THE 2017 IMPROVEMENT PROJECTS.**

Motion By: Fagerlie

Second By: Mueske

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the City Administrator of the City of Willmar are hereby authorized to enter into an amendment to the professional services contract between the City of Willmar and Bolton and Menk, Inc. for the 2017 Improvement Projects. The amendment increases the contract amount by \$36,950.

Dated this 22th day of January, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-021

VACATING A PORTION OF PUBLIC STREET ROW

Motion By: Fagerlie

Second By: Nelsen

WHEREAS, the vacation of those portions of dedicated street as described below was petitioned by the adjacent property owners Marcus Real Estate and Investments LLC and BPO Elks Lodge #952:

Vacation of all that part of SECOND AVENUE SOUTH (currently known as Second Avenue Southeast), as delineated and dedicated on the plat of ERICKSON'S SECOND ADDITION TO THE CITY OF WILLMAR, MINNESOTA, described as follows: That portion of said Second Avenue Southeast lying Westerly of the Northerly extension of the East line of Block 14 in said Erickson's Second Addition to the City of Willmar, Minnesota and lying Easterly of the Southerly extension of the East line of Block 4 in said Erickson's Second Addition to the City of Willmar, Minnesota.

WHEREAS, the proposed vacation has been approved by the Planning Commission of the City of Willmar; and

WHEREAS, published notice and mailed notice of the proposed vacation and the hearing thereon have been given as provided in Subdivision 6 of Section 9.01 of Article IX of the Willmar City Charter; and

WHEREAS, a hearing was duly held on the proposal to vacate that portion of said street on January 22, 2019; and

WHEREAS, the City Council of Willmar finds that it is in the best interests of the City of Willmar to vacate that portion of said streets;

NOW, THEREFORE, BE IT RESOLVED, that the above described portion of dedicated streets be, and hereby is, vacated.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be filed with the Kandiyohi County Recorder on or after February 8, 2019.

Dated this 22nd day of January, 2019.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-022

A RESOLUTION ACCEPTING CHANGE ORDER NO. 2 FOR THE CIVIC CENTER ICE SYSTEM REPLACEMENT PROJECT.

Motion By: Mueske Second By: Alvarado

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to modify the contract for the Civic Center Ice System Replacement Project between the City of Willmar and Cornerstone of Willmar, Inc. of Willmar, Minnesota by Change Order No. 2 in the increased amount of \$21,191.

Dated this 22nd day of January, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk